

WAC 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: The proposed permanent rule replaces the emergency rule, Chapter 173-539A WAC, which Ecology put in place to protect existing water rights and in-stream resources. The proposed rule:

- Contains clear constraints on the use of the ground water exemption for residential development.
- Provides a path for expedited water right processing when the applicant supplies mitigation for their consumptive use by placing an existing water right into trust.
- Requires metering and reporting from all new residential uses of the ground water permit exemption within the county.

Proponent: Washington Department of Ecology, Water Resources Program

Location of proposal, including street address, if any: The rule will affect the use of new residential permit-exempt ground water wells throughout Kittitas County by requiring metering. In the upper (northwest) portion of Kittitas County and Water Resource Inventory Area (WRIA) 39 - Upper Yakima River the new permit-exempt wells will have further restrictions under the proposed rule. This area, referred to as Upper Kittitas County, is bound on the south by the South Cle Elum Ridge and crosses the Thorpe Prairie and Yakima River near Taneum Road, the boundary then turns east following the crest of Table Mountain to the Kittitas/Chelan county border. See map in WAC 173-539A-080.

Lead agency: Washington Department of Ecology, Water Resources Program

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☐ There is no comment period for this DNS.

☐ This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

☒ This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below.
Comments must be received by February 20, 2009.

Responsible official: Ken Slattery

Position/title: Water Resources Program Manager

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Date: _____ **Signature** _____